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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

UNITED STATES OF AMERICA

1:20-cr-00002-AA

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

JOHN EDWIN BADGER,

Defendant.

Introduction

John Badger, previously convicted of drug distribution and attempt to elude a police officer, is now before the court a new conviction for felon in possession of a firearm. In this case he possessed 10 firearms, a magazine with 29 rounds of green tip .223 ammunition, firearm accessories, over 2500 grams of marijuana, and scales in his storage unit. Four of the seized firearms were stolen. Badger was dealing drugs and had amassed this firearm collection. Badger should receive a seventy-month sentence, followed by three years supervised release.

Government's Sentencing Memorandum

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Revised Aug. 2019

Factual Background

A. The Offense Conduct

In July 2019, a confidential Informant (CI) told law enforcement that the defendant was selling heroin. The investigation did not result in criminal charges. In October 2019, a different CI told police he/she could purchase heroin from Badger. The CI ordered \$1500 worth of heroin and \$400 of methamphetamine from Badger. When asked, Badger said he had “lots” of methamphetamine available. Police attempted to contact Badger at the place where he was to meet the CI, but Badger fled. Badger subsequently reached out to the CI and threatened to kill him/her. Police found out that Badger’s state probation officer authorized an arrest, so police arrested him that day. They served a search warrant on his house and found his wallet with \$11,397, two digital scales, a fanny pack with unused zip-lock baggies, and two bags with 54 gross grams of heroin, a bag with two gross grams of methamphetamine and a zip-lock bag with 4 gross grams of cocaine.

On October 28, 2019, police executed a search warrant at a storage locker Badger rented in Medford. Police believed, based on items found in the storage locker that Badger was the owner of property inside. Police seized 10 firearms, including a semiautomatic shotgun, a rifle with a sawed-off barrel, ammunition, over 2500 grams of marijuana, hundreds of used and unused bags (packaging material) and digital scales. Four of the firearms had been reported stolen.

B. The Charges

Smith pled guilty to one count of felon in possession of firearm. The maximum penalty is 10 years’ imprisonment.

C. Guideline Computations

The government agrees with the following PSR computations in the PSR:

Enhancement	Government's Position
Base— USSG § 2K 2.1(a)(3)	22
Offense involved 8-24 firearms USSG § 2K 2.1(b)(1)(B)	+4
Offense involved stolen firearm USSG § 2K 2.1(b)(4)	+2
Acceptance of Responsibility	
Defendant's Total Offense Level	28
Resulting Guideline Range	70-87 months

Argument**A. Contested Guideline Issues**

The government is not aware of any contested guideline issues.

B. Defendant's Prior Conduct on Supervision

At a young age, Badger has a lengthy criminal history. His recent behavior is very concerning as it involves possessing a large collection of firearms and ammunition in his storage locker where he kept a large quantity of marijuana. Evidence also showed he working to distribute heroin the day before police found all of the firearms. Previous incarceration periods and probation have not deterred from committing new crimes and continuing heroin use

He reports a period of sobriety from 2011- 2016. It is hopeful with a prison sentence; he will be able to have extended sober time and treatment to address future drug use and criminal behavior.

C. Government's Recommended Sentence

At 34 years old, Badger has struggled to maintain sobriety and has committed drug related crimes, including delivery. A seventy-month sentence is appropriate.

Conclusion

Based on the foregoing, this Court should impose a seventy-month sentence, followed by three-year term of supervised release subject to the standard and special conditions recommend by the PSR writer; and a \$100 fee.

Dated: December 29, 2021

Respectfully submitted,

SCOTT ERIK ASPHAUG
United States Attorney

s/ Judith R. Harper
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Assistant United States Attorney